

Styling With Authority

**USING “STYLES” AND SOFTWARE
TO AUTOMATE THE PRODUCTION
OF TABLES AND BOOKMARKS**

BY:

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You win some but you lose most. At the end of the case, the one constant is that you get paid. The rate of pay for panel attorneys in California is not terrible, but there are limits on what you will get paid. In the end, it pays to be efficient. This article addresses two ways to increase your efficiency by using the Styles feature in word processing software and by paying for software to automatically create a Table of Authorities in your briefs. The Styles feature promotes efficiency in two ways. First, the creation of a Table of Contents is automatic. You don't have to mark each heading for inclusion in the Table of Contents. Second, by using "Heading" styles for each of your brief headings, each one will appear as a bookmark when you convert your document to a .pdf document for filing.

The efficiency achieved by using software to automatically create a Table of Authorities is obvious. You no longer have to mark each cite in your brief. The longer your brief, the more time you will save by using software.

STYLES

A style is a collection of formatting attributes that you apply to a body of text within your brief. Using styles ensures consistent formatting throughout a document. Using the heading styles to create your headings also will enable automatic creation of your Table of Contents and an automatic bookmark for each heading when you convert your document to .pdf format. If you want, you can also create Styles for other features of your typical brief, such as paragraphs and quotes. Styles you create are added to the style list and saved with the active document.

First, I assume you have a template you open for any brief you start. You should have a template for briefs and another template for a petition for review and a petition for rehearing. What follows, as an example, is my template for a brief using WordPerfect:

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
) No. **KEYBOARD()**
Plaintiff and Respondent,)
)
v.)
)
KEYBOARD(),)
)
Defendant and Appellant.)
_____)

KEYBOARD() County Superior Court No. **KEYBOARD()**
The Honorable **KEYBOARD()**, Judge

APPELLANT’S OPENING BRIEF

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TABLE OF AUTHORITIES

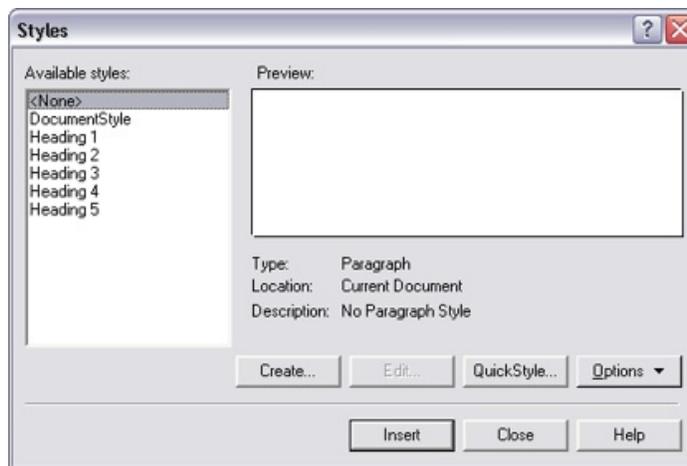
CASES

Pages

Whether your template is a WordPerfect or a Word document, you can edit the heading styles in your template so those styles will be available any time you use your template to create a brief.

STYLES IN WORDPERFECT

To access the Styles feature In WordPerfect, Click Format > Styles. The following screen appears:



WordPerfect Styles comes with built-in headings, levels 1 to 5. In the styles section of your brief template, highlight a style (e.g., "Heading 1") and select "Edit" to format the heading to your preferences. When you have changed it in the way you want, click "OK." You have now saved this heading style, and it will be available in the future when you open your template to start a brief. The critical component of the "Heading" styles in WordPerfect is that each one has a code stating, "Mrk Txt T.O.C.: #" where the # is the heading level (1, 2, 3, 4 or 5). This code is used by the Table of Contents feature to automatically produce a Table of Contents.

For example, for heading level # 1, used for headings such as STATEMENT OF FACTS, ARGUMENT, CONCLUSION, I center it, and specify bold. You can select other features, such as font size, allcaps, etc..

It will save time if you make your headings linear. Styles only control the text in a specific

paragraph. That is, for heading levels 2 through 5, have the number on the same line as the beginning of your heading.

Don't do:

I.

THE EVIDENCE WAS INSUFFICIENT TO SUPPORT THE CONVICTION FOR DESTRUCTION OF EVIDENCE BECAUSE THE EVIDENCE WAS NOT DESTROYED AND BECAUSE THERE WAS NO PROOF APPELLANT KNEW THE DOCUMENTS IN QUESTION WERE ABOUT TO BE PRODUCED IN EVIDENCE AT A TRIAL.

Instead, do:

I. THE EVIDENCE WAS INSUFFICIENT TO SUPPORT THE CONVICTION FOR DESTRUCTION OF EVIDENCE BECAUSE THE EVIDENCE WAS NOT DESTROYED AND BECAUSE THERE WAS NO PROOF APPELLANT KNEW THE DOCUMENTS IN QUESTION WERE ABOUT TO BE PRODUCED IN EVIDENCE AT A TRIAL

If you have your heading number (“I,” “II”) on a separate line, it will not be copied over to the Table of Contents when you use the automatic Table of Contents creator.

After you have modified the Heading styles to your liking, save your brief template. Each time you open it, your saved heading styles will be available.

If you have used Heading styles throughout your brief, you can create a Table of Contents without marking each heading. Go to the point in your brief where you want your Table of Contents to appear. Click on Tools/Reference/Table of Contents. Select “Define.” Select the number of heading levels you have in your brief. Then select “Generate.” Your Table of Contents will Generate at that spot.

In WordPerfect (in contrast with Word), I have found I need to manually format the Table of Contents that is generated to match my preferred format. For example, I add spaces between paragraphs. I also get rid of some tabs or codes to make it look neater.

STYLES IN WORD

The Styles feature in Microsoft Word has many more options. I prefer Word to WordPerfect.

In Word, the Styles feature is to the right side of the “HOME” ribbon. It looks like this:



As in WordPerfect, Word already has Heading styles. There is a small arrow at the bottom right of the Styles box. Click on it and the Styles list will appear, including Heading Styles. Highlight a heading style (e.g., “Heading 1”), right click, and select “Modify.” The default heading style for Heading 1 in my version of Word uses blue ink and Calibri font size 16. You can change it to what you want. I use the color black and TimesRoman font 13. You can also click on the “Bold” “Italics” or “Underline” buttons if you want any of those features in your heading. For more heading options, select “Format” and then “Paragraph” at the bottom left. You have considerable control over the heading. You can specify how much spacing you want before and after the heading. You can specify the line spacing and the alignment (left, right, justified or centered) within the heading. You can add indentation codes and special codes, such as a hanging indent.

For example, for my Heading 1 I select Bold and Centered alignment. I put the spacing at zero. For my Heading 2 style, I select Bold, justified alignment, I right indent .5 and I select a “hanging indent” in the “special” box. The end result is a heading that looks like this:

I. THE EVIDENCE WAS INSUFFICIENT TO SUPPORT THE CONVICTION FOR DESTRUCTION OF EVIDENCE BECAUSE THE EVIDENCE WAS NOT DESTROYED AND BECAUSE THERE WAS NO PROOF APPELLANT KNEW THE DOCUMENTS IN QUESTION WERE ABOUT TO BE PRODUCED IN EVIDENCE AT A TRIAL

For my heading 3 style I select bold, justified, .5 indentation right and left, and a hanging indent. The heading looks like this:

C. CALCRIM Nos. 520, 521, 522 and 570 Unconstitutionally Permitted the Jury to Find Appellant Guilty of First Degree Murder Even if the Jury Had a Reasonable Doubt Whether He Deliberated and Premeditated Due to Heat of Passion.

You can also create styles for other common features of your brief. I have created styles for paragraph (“par”) and quotes (quote). By using styles I never have to use the indent key and I never have to change margins or line spacing for quotes. The Styles feature automatically formats the paragraph once I specify the style I want to use.

When you are ready to create your Table of Contents move your cursor to that point in your brief. Select the REFERENCES tab on the ribbon and Table of Contents, at the far left. I select Automatic Table 1. The Table of Contents is automatically formatted to include every paragraph you formatted with a “heading” style.

You can also pre-format the Table of Contents headings so that when you create the Table of Contents each heading will have the appearance you prefer. On the Styles drop down menu select “Manage Styles,” the far right button at the bottom. A list appears containing all the default Word styles, including “TOC 1” “TOC 2”, etc. These do not appear until you use them, so if you want to format them in your brief template you have to do so by selecting “Manage Styles.” If you pre-format them and save your brief template, the formatting of your table of contents will always look the same.

To pre-format your table of contents styles, highlight the style (e.g., “TOC 1”) and select “Modify.” You can then format the Table of Contents styles the same way you did the Heading Styles. Here, I do select 5 pt. for Spacing after the table of contents heading. This will ensure there are spaces between the headings in your table of contents. As with headings in your brief, you can decide if you want the Table of Contents heading to be bold or regular, aligned left or justified, etc.

Once you have edited each of your heading and TOC styles, save your brief template. Your template will now have these styles available, as modified by you, each time you write a brief.

There are many websites that will help you with Styles should you need help figuring it out..

BOOKMARKS IN .PDF VERSIONS OF YOUR BRIEF

Bookmarks will automatically appear in PDF documents created from the briefs you wrote in WordPerfect or Word if you used heading styles. You do not need an Adobe product to add any bookmarks.

You may still need Adobe Acrobat for other things. For example, you need Adobe Acrobat to combine several files into one file. However, you do not need to purchase the most recent version. You can purchase older versions of Adobe Acrobat for considerably less than the cost of the brand new software. Also, when you purchase a new computer most companies offer Adobe pre-installed at considerable savings.

SOFTWARE FOR CREATING A TABLE OF AUTHORITIES

I conducted a survey of about 20 attorneys to find out if anyone used software to prepare a Table of Authorities. Only 2 did so. Most attorneys I surveyed create a Table of Authorities by using the feature that comes with the word processing software. Each citation in the brief must be marked. You then generate the table of authorities using the word processing software. This can be time consuming, especially if you have a long brief with many citations.

There are alternatives that can save you considerable time, especially if you use Word. Word is now the industry standard, so more software is available to use with Word.

WORDPERFECT

WordPerfect offers software that will automatically create a table of authorities. **Perfect Authority** costs \$199.99 for an instant download. There is no monthly or annual licensing fee. The software claims, “Instead of hand-marking citations, let Perfect Authority locate, alphabetize and cross-reference them for you in minutes. The easy-to-use interface lets you quickly create a variety of customizations, so you can easily meet the formatting requirements of different districts or courts. Whether you’re a sole practitioner or a partner at a large law firm, Perfect Authority saves you hours each week and that adds up to a rapid return on investment and a better bottom line.”

Downloading the software adds a button to the ribbon in your WordPerfect document. PerfectAuthority has a feature to deal with the pages added to your brief once you generate your Table of Authorities. After you have edited your table to your satisfaction, click on the

PerfectAuthority icon again and select “refresh pages.” The page numbers will change and should be accurate.

I am not aware of a “refresh pages” feature in the Table of Contents tool in WordPerfect. I recommend you first generate your Table of Authorities using Perfect Authority. Make the changes and additions you require. Then generate your Table of Contents. It should accurately reflect the page for each heading. Then to back to the Table of Authorities and select “refresh pages.”

Westlaw Draft Assistance works in WordPerfect as well as Word. It includes a TOA builder which inserts a Table of Authorities wherever you place your cursor in your document. The product includes the Citation Format Advisor to ensure all your citations are correct and alerts you to possible adverse authority to your cases.

If you are a WestLaw user, call your local representative for pricing information. A recent memo about a Westlaw offer to CADC members states Draft Assistance is available for an additional \$74 per month. Westlaw provides training and technical support for this product.

MICROSOFT WORD

There are more options for Word users. Both LexisNexis and Westlaw provide an add-on feature for creating a Table of Authorities in a brief. This feature is not free. You have to pay a monthly fee in addition to your monthly subscription fee.

There is a stand-alone software option: **Best Authority**.

BEST AUTHORITY by Levit & James

Best Authority, is an Add-in for Microsoft Word that automatically finds and marks all the legal citations in a brief and generates a Table of Authorities. It does not work in WordPerfect.

The website claims: “Best Authority revolutionizes the way Tables of Authorities are created. No wonder 88 of the top 100 law firms use Best Authority!”

There are two versions of Best Authority. The Light Edition, at \$225 “per litigator,” and a \$45 annual fee for maintenance and technical support is targeted at small firms and sole practitioners. This probably includes everyone in this room..

The premium edition includes the ability to make permanent edits to the TOA while you are building it before it is placed in your brief. The premium edition costs \$360 for the software per litigator and a \$72 annual fee. This is still significantly cheaper than using Lexis or West law, though it does not have the additional features that come with the use of those programs.

A Best Authority license allows each attorney to install Best Authority on an unlimited number of computers, which is helpful if you have a desktop computer at the office and a laptop for travel.

You can get a free trial by selecting the "Try it for Free" link on the Best Authority website; you can also get a comprehensive overview of how the software works by viewing training videos available on the levitjames.com website.

Once you download the software, it appears as a tab on the Word ribbon ("Best Authority"). Click on the tab and follow the steps. The website has tutorials on how to use the software. I have found the technical support to be excellent, and always available during the hours the office is open.

As noted, Lexis and Westlaw also provide table of authorities builders.

LEXIS® FOR MICROSOFT® OFFICE only works in Word, not in WordPerfect.

Here's what the Lexis website says:

With Prepare TOA you will save time creating and updating an accurate Table of Authorities as you move through the drafting process. Easily edit the TOA from a variety of style and sorting options. For example, you can add or edit headings, move citations and add or delete citations.

You can also step through each listed authority along with the pages where each appears. Delete just one or multiple instances of the authority from the table, if necessary. Don't worry. If you delete anything in your Table of Authorities, it remains in your document.

Lexis® for Microsoft® Office is the only legal drafting software to be awarded first-place honors for best Table of Authorities creator by readers of The National Law Journal® in 2014, 2015, 2016, 2017 and 2018, The Texas Lawyer and Corporate Counsel in 2017 and by readers of the New York Law Journal® in 2014, 2015 and 2016.

The advantage of Lexis (and Westlaw) is that in addition to generating a Table of Authorities the software also checks your cites, flags incorrect cites, and flags cases with their Shepard's symbols, red, yellow and green. Your document is linked with LexisAdvance, so you will be notified if anything new comes up about the case you are relying on.

Lexis for Microsoft Office would cost 36 per month for a SDAP staff attorney, but we have a reduced subscription price offered to government agencies. I do not know what it would cost you. Call your LEXIS representative.

Westlaw also provides a Table of Authorities Builder included in their **DraftAssistance**, as described above. As with Lexis, Westlaw will also alert you if your citation is incorrect or if the case you are citing has negative treatment.

I have not used Lexis or Westlaw to produce a Table of Authorities. If you are interested in how it works, ask around and find someone who has used it.